

**BEFORE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

ROCKY D. FORD)	
Claimant)	
VS.)	
)	Docket No. 189,421
GUTHRIE STEAMING-TANK SERVICE, INC.)	
Respondent)	
AND)	
)	
ITT HARTFORD ACCIDENT & INDEMNITY)	
Insurance Carrier)	

ORDER

Claimant requested review of the Award dated June 27, 1996, entered by Administrative Law Judge Bruce E. Moore. The Appeals Board heard oral argument on December 19, 1996.

APPEARANCES

Robert A. Anderson of Ellinwood, Kansas, appeared for the claimant. James M. McVay of Great Bend, Kansas, appeared for the respondent and its insurance carrier.

RECORD AND STIPULATIONS

The record considered by the Appeals Board and the parties' stipulations are listed in the Award.

ISSUES

The Administrative Law Judge denied claimant's request for permanent partial disability benefits based upon the finding that claimant's present disability is the result of a nonwork-related beating on August 7, 1993, rather than claimant's April 21, 1993, work-related accident. That is the only issue before the Appeals Board on this review.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

The Award entered by the Administrative Law Judge should be affirmed.

The Appeals Board agrees with the Administrative Law Judge's analysis and conclusions as set forth in the 18-page Award. The Administrative Law Judge accurately recited the pertinent evidence and made the appropriate findings which are hereby adopted by the Appeals Board as its own.

Because of the unfortunate incident that occurred with the Great Bend police department on August 7, 1993, the Appeals Board concludes that claimant has failed to establish the nature and extent of any permanent disability sustained as a result of the April 21, 1993, work-related accident. The Appeals Board also concludes that claimant is only entitled to those authorized medical benefits that were provided before the August 7, 1993, incident.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award dated June 27, 1996, entered by Administrative Law Judge Bruce E. Moore should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of January 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Robert A. Anderson, Ellinwood, KS
James M. McVay, Great Bend, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director